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10 **UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF WASHINGTON**

11 STATE OF WASHINGTON, et al.,

12 Plaintiffs,

13 v.

14 UNITED STATES FOOD AND  
15 DRUG ADMINISTRATION, et al.,

16 Defendants.

NO. 1:23-cv-03026-TOR

SECOND DECLARATION OF  
KRISTIN BENESKI IN SUPPORT  
OF PLAINTIFF STATES'  
MOTION TO SUPPLEMENT THE  
ADMINISTRATIVE RECORD

02/20/2024  
Without Oral Argument

1 I, Kristin Beneski, declare as follows:

2 1. I am over the age of 18 and have personal knowledge of all the facts  
3 stated herein.

4 2. I am the First Assistant Attorney General at the Washington State  
5 Attorney General's Office, which represents the State of Washington in this matter.

6 3. My first Declaration in Support of Plaintiff States' Motion to  
7 Supplement the Administrative Record, with its Exhibit A, was filed at  
8 ECF No. 136.

9 4. Attached hereto as **Exhibit B** is a true and correct copy of a portion  
10 of the produced administrative record in this matter bearing Bates numbers  
11 FDA 1254-1262. The same document was previously filed in this matter at  
12 ECF No. 1-9.

13 5. Attached hereto as **Exhibit C** is a true and correct copy of a Turnaway  
14 Study report by the Reproductive Health Technologies Project entitled *Two Sides*  
15 *of the Same Coin: Integrating Economic and Reproductive Justice*, which is cited  
16 in footnote 12 of Exhibit B. I obtained this document by entering the URL in  
17 footnote 12 into the Wayback Machine Internet Archive (<https://web.archive.org/>)  
18 and downloading the snapshot of that URL that was captured on December 31,  
19 2015 (i.e., the last snapshot captured prior to January 6, 2016, the date indicated in  
20 footnote 12 when the URL was accessed by the author). Exhibit C can be accessed  
21 at: <https://web.archive.org/web/20151231035023/http://rhtp.org/abortion/documents/TwoSidesSameCoinReport.pdf>.

I declare under penalty of perjury under the laws of the State of Washington and the United States of America that the foregoing is true and correct.

DATED this 9th day of February, 2024, at Seattle, Washington.

/s/ Kristin Beneski  
KRISTIN BENESKI, WSBA #45478  
First Assistant Attorney General

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**SECOND DECLARATION OF  
KRISTIN BENESKI**

1                   CERTIFICATE OF SERVICE

2                   I hereby certify that on February 9th, 2024, I electronically filed the  
3 foregoing with the Clerk of the Court using the CM/ECF System, which in turn  
4 automatically generated a Notice of Electronic Filing (NEF) to all parties in the  
5 case who are registered users of the CM/ECF system. The NEF for the foregoing  
6 specifically identifies recipients of electronic notice.

7                   DATED this 9th day of February, 2024, at Seattle, Washington.

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9                   /s/ *Kristin Beneski*  
KRISTIN BENESKI, WSBA #45478  
First Assistant Attorney General

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